

EDWARD H. KUBO, JR. 2499
United States Attorney
District of Hawaii

MICHAEL K. KAWAHARA 1460
Assistant U.S. Attorney
Room 6100, PJKK Federal Building
300 Ala Moana Blvd.
Honolulu, Hawaii 96850
Telephone: 541-2850
Facsimile: 541-2958
Mike.Kawahara@usdoj.gov

Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 05-0170JMS-02
)	
Plaintiff,)	MOTION FOR DEPARTURE DOWNWARD
)	IN SENTENCING DEFENDANT
VS.)	BRANDON J. MAGLINTI
)	
STEVEN I. OKAMURA, (01))	Sentencing Date: 9/8/06 at
BRANDON J. MAGLINTI, (02))	2:15 P.m., before the Hon.
)	J. Michael Seabright
Defendants.)	
_____)	

MOTION FOR DOWNWARD DEPARTURE
IN SENTENCING DEFENDANT BRANDON J. MAGLINTI

The United States of America, by and through its undersigned counsel, hereby moves this Honorable Court to depart downwards in imposing sentence upon defendant Brandon J. Maglinti due to his substantial assistance to and cooperation with law enforcement authorities in the investigation or prosecution of other persons who have committed an offense.

This motion is made pursuant to U.S. Sentencing Commission Guideline 5K1.1, and is based upon the information contained in the sealed "Factual Basis for Motion for Departure Downward in Sentencing Defendant", filed concurrently herewith.

DATED: Honolulu, Hawaii, September 5, 2006.

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

By /s/ Michael K. Kawahara
MICHAEL K. KAWAHARA
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that, on the dates and by the methods of service noted below, a true and correct copy of the foregoing was served on the following at their last known addresses:

Served Electronically through CM/ECF:

Mr. Barry D. Edwards barrydedwards@gmail.com September 6, 2006

Attorney for Defendant
Brandon J. Maglinti

Served by hand-delivery:

Probation Officer
300 Ala Moana Blvd.,
Box 50111, Rm. C-126
Honolulu, HI 96850

September 6, 2006

/s/ Rowena N. Kang